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#### **REMARKS**

In the official communication dated June 28, 2001, the Examiner states that Applicants' Amendment filed May 7, 2001 is not fully responsive to the Office Action mailed November 3, 2000. Specifically, the Examiner points out that the sequences at page 20, lines 11, 12 and 14, and the sequences in Table 7 do not comply with the sequence rules under 37 C.F.R. §§1.821-1.825.

In response, Applicants are providing herewith a substitute paper and computer-readable copy of the Sequence Listing, together with a statement under 37 C.F.R. §1.821(f) verifying that the content of the paper and the computer copy of the Sequence Listing are the same and that no new matter is introduced. A copy of the notice is also enclosed.

Applicants submit that the substitute Sequence Listing includes the sequences disclosed at page 20, lines 11, 12 and 14 as SEQ ID NO: 43, SEQ ID NO: 44 and SEQ ID NO: 45, respectively. The specification has also been amended at page 20, lines 11, 12 and 14 to insert these sequence identifiers.

Applicants further submit that the substitute Sequence Listing also includes the sequences disclosed in Table 7. More specifically, the sequences designated as sequence A, B, C, D, E, F, G, H, I, J and K, are listed as SEQ ID NO: 2, SEQ ID NO: 4, SEQ ID NO: 6, SEQ ID NO: 42, SEQ ID NO: 15, SEQ ID NO: 17, SEQ ID NO: 19, SEQ ID NO: 21, SEQ ID NO: 23, SEQ ID NO: 25 and SEQ ID NO: 41, respectively. The specification has been amended to insert these sequence identifiers at page 91, lines 9-11. Applicants respectfully point out to the Examiner that the sequence designated as Sequence K in Table 7 was listed as SEQ ID NO: 27 in the Sequence Listing previously submitted, and is now listed as SEQ ID NO: 41 in the substitute Sequence Listing submitted herewith. Applicants have also renumbered the sequence identifiers of SEQ ID NO: 28 through SEQ ID NO: 41 in the prior listing to SEQ ID NO: 27 through SEQ ID NO: 40. It is respectfully submitted that this amendment to the assignment of sequence

identifiers does not introduce new matter. Support for this amendment is found throughout the specification, particularly, in Table 3 at pages 29-30.

By way of the substitute Sequence Listing, Applicants have also corrected two clerical errors in SEQ ID NO: 3 and SEQ ID NO: 4 in the prior listing. The errors and the correction are indicated in the attached marked-up copy of the Sequence Listing. Support for the sequence of SEQ ID NO: 4 is found in Table 7, Sequence B, at pages 93-97, and in Table 3 at page 29 of the specification. The errors in SEQ ID NO: 3, which encodes the protein sequence of SEQ ID NO: 4, have also been corrected.

Furthermore, Applicants have amended the information in the field <223> for SEQ ID NO: 30, 32 and 35 (SEQ ID NO: 31, 33 and 36 in the prior listing). Specifically, the sequences of SEQ ID NO: 30, 32 and 35 are not "oligonucleotides" as indicated in the prior Sequence Listing, but are "synthetic peptides representing a conserved region in plant cytochrome p450 sequences", as described at page 29, line 26 to page 30, line 11 of the specification.

Applicants respectfully submit that the specification has been amended at page 20 and 91 to insert the sequence identifiers, as discussed above. The specification has also been amended at page 55, line 6, by replacing the petal colour designation for the Skr4 x Sw63 control "(RHSCC# 74C)" with "(RHSCC# 75C)". Support for this amendment can be found throughout the specification and in particular at page 67, line 9 and at page 80, line 21. In addition, the specification has been amended at 79, line 14-15, by deleting the reference to the snapdragon sdF3'H clone as "(SEQ ID NO:3 and SEQ ID NO:4)" and inserting therefor "(SEQ ID NO:5 and SEQ ID NO:6)". Support for this amendment can be found in Table 3 at page 29 of the specification.

It is respectfully submitted that the foregoing amendment to the Sequence Listing and the specification does not introduce new matter. Attached hereto is a marked-up version of the changes made to the specification and the Sequence Listing by the current amendment, which is captioned "Version with markings to show changes made."





In view of the foregoing amendments and remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

Peter I. Bernstein

Registration Number 43,497

Scully, Scott, Murphy & Presser 400 Garden City Plaza Garden City, New York 11530 Telephone: 516-742-4343

PIB/XZ:ab

Encls.: Version with Markings to Show Changes Made (including marked up copy of the

amended pages of the sequence listing);

Substitute paper copy of the sequence listing;

Substitute computer readable copy of the sequence listing;

Copy of Notice to Comply; and

Statement Under 37 C.F.R. §1.821(f)

Appln. No.:

09/142,108

Date:

August 28, 2001

Version With Markings to Show Changes Made

In the Specification:

VUE.

Please amend the paragraph beginning at page 20, line 8 as follows:

Another aspect of the present invention provides a nucleic acid molecule comprising a sequence of nucleotides encoding or complementary to a sequence of nucleotides encoding a F3'H, wherein the translation of the said nucleic acid molecule comprises the amino acid sequence RPPNSGA (SEQ ID NO:43). Preferably, the translation of the said nucleic acid molecule comprises the amino acid sequence RPPNSGAXHXAYNYXDL (SEQ ID NO:44) and still more preferably the translation of the said nucleic acid molecule comprises the amino acid sequence RPPNSGAXHXAYNYXDL[X]<sub>n</sub>GGEK (SEQ ID NO:45), where X represents any amino acid and [X]<sub>n</sub> represents an amino acid sequence of from 0 to 500 amino acids.

Please amend the paragraph beginning at page 55, line 3 as follows:

The expression of the introduced KC-1 cDNA n the Skr4 x SW63 hybrid had a marked effect on flower colour. Ten of the twelve transgenic plants transformed with pCGP1810 produced flowers with an altered petal colour (RHSCC# 73A), compared with the Skr4 x Sw63 control (RHSCC# [74]75C). Moreover the anthers and pollen of the transgenic flowers were pink, compared with those of the control Skr4 x SW63 plant, which were white.[.] In addition, expression of the KC-1 cDNA in the Skr4 x SW63 hyrid conferred a dark pink hue to the corolla, which is normally pale lilac. The colour codes are taken from the Royal———Horticultural Society's Colour Chart (RHSCC). They provide an alternative means by which to

describe the colour phenotypes observed. The designated numbers, however, should be taken only as a guide to the perceived colours and should not be regarded as limiting the possible colours which may be obtained.

#### Please amend the paragraph beginning at page 79, line 12 as follows:

The nucleotide and predicted amino acid sequences of the rose F3'H #34 cDNA clone (SEQ ID NO:14 and SEQ ID NO:15) were compared with those of the petunia OGR-38 F3'H cDNA clone (SEQ ID NO:1 and SEQ ID NO:2) and the snapdragon sd F3'H clone [(SEQ ID NO:3 and SEQ ID NO:4)] (SEQ ID NO:5 and SEQ ID NO:6). The rose F3'H #34 cDNA clone showed 64.7% similarity, over 1651 nucleotides and 72.7% similarity, over 509 amino acids, to that of the petunia OGR-38 cDNA clone, and 67.2% similarity, over 1507 nucleotides, and 68.9 similarity, over 502 amino acids, to that of the snapdragon sdF3'H clone.

#### Please amend the paragraph beginning at page 91, line 7 as follows:

Multiple sequence alignments were performed using the ClustalW program as described in Example 3. Table 7 (below) provides a multiple sequence alignment of the predicted amino acid sequences of petunia OGR-38 (A) (SEQ ID NO:2); carnation (B) (SEQ ID NO:4); snapdragon (C) (SEQ ID NO:6); arabidopsis Tt7 coding region (D) (SEQ ID NO:42); rose (E) (SEQ ID NO:15) chrysanthemum (F) (SEQ ID NO:17); torenia (G) (SEQ ID NO:19); morning glory (H) (SEQ ID NO:21); gentian (partial sequence) (I) (SEQ ID NO:23); lisianthus (partial sequence) (J) (SEQ ID NO:25) and the petunia 651 cDNA (K) (SEQ ID NO:41).

Conserved amino acids are shown in bolded capital letters and are boxed and shaded. Similar amino acids are shown in capital letters and are only lightly shaded, and dissimilar amino acids are shown in lower case letters.



The Sequence Listing has been amended at page 1, and in SEQ ID NO: 3 (pages 5-8), SEQ ID NO: 4 (pages 8-9), and SEQ ID NO: 27 through SEQ ID NO: 41, as follows (beginning at the next page). SEQ ID NO: 42 to SEQ ID NO: 45 have been added.

SEP 0 4 2001

Applicati n No.: 09/142, 108

# NOTICE COMPLY WHERE QUIREMENTS FOR PATENT APPLICATIONS CONTAMINENTER 1600/2900 NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.	
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).	
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).	
4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."	
5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).	
6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).	
7. Other: SEQUENCES at PAGE 20 an Table 7 are missing from the SEQUENCE Listing	
Applicant Must Provide:	
An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".	
An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.	
A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).	
or questions regarding compliance to these requirements, please contact:	
For Rules Interpretation, call (703) 308-4216	
For CRF Submission Help, call (703) 308-4212	
PatentIn Software Program Support (SIRA)	-
Technical-Assistance	
To Purchase Patentin Software703-306-2600	

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE



## MARKED UP COPY OF SEQUENCE LISTING

SEQUENCE LISTING

<110> International Flower Developments Pty Ltd

<120> Genetic sequences encoding flavonoid pathway enzymes and uses therefor

<130> 2088133

<140> 09/142108

<141> 1997-02-28

<150> PN8386

<151> 1996-03-01

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<170> PatentIn Ver. 2.1

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Leu Ser Leu Ile Leu Tyr Thr Val Ile Phe Ser Phe Leu Leu Gln Phe
5 10 15

att ctt aga tca ttt ttc cgt aaa cgt tac cct tta cca tta cca cca 154 Ile Leu Arg Ser Phe Phe Arg Lys Arg Tyr Pro Leu Pro Leu Pro Pro

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atg tat ctt aag atg ggg ttc gta gac gtg gtg gtt gca gcc tcg gca 298

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SEP 0 4 2001

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Met Lys Lys Leu His Ala Arg Phe Asp Ala Phe Leu Thr Asp Ile Leu
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ggc cct cta ttg ta Gly Pro Leu Leu Ty 5	r Met Arg Leu Gly			
gcc tca gcg tct gta Ala Ser Ala Ser Va 70		Leu Lys Thr		
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					gaa Glu			_				_	_			849
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					att Ile											1473
					ctg Leu 440		_	_	_	_	_		-		_	1521
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					gct Ala											1617
					gac Asp Fo Th											1662
taat <b>As</b> n	topo	igg g	ittt Phe	≵aaa	a <b>a</b> go	gggt	<b>≱</b> act	t tt	gtt <b>,</b>	latg	tatt	atto	ccg t	acta	agtttg	1722
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Glu Phe Xaa Pro Glu Arg Phe
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  ganttynnnc cnganmgntt
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32

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Please also add SEQ ID NO: 42-45. as indicated begining from next page.

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Gly Asn His Pro His Lys Ser Leu Ala Gln Leu Ala Lys Ile His Gly
                        55
Pro Ile Met Asn Leu Lys Leu Gly Gln Leu Asn Thr Val Val Ile Ser
                    70
Ser Ser Val Val Ala Arg Glu Val Leu Gln Lys Gln Asp Leu Thr Phe
                                    90
                85
Ser Asn Arg Phe Val Pro Asp Val Val His Val Arg Asn His Ser Asp
                               105
                                                  110
Phe Ser Val Val Trp Leu Pro Val Asn Ser Arg Trp Lys Thr Leu Arg
                          120
Lys Ile Met Asn Ser Ser Ile Phe Ser Gly Asn Lys Leu Asp Gly Asn
                       135
Gln His Leu Arg Ser Lys Lys Val Gln Glu Leu Ile Asp Tyr Cys Gln
                   150
                                       155
Lys Cys Ala Lys Asn Gly Glu Ala Val Asp Ile Gly Arg Ala Thr Phe
                                   170
               165
Gly Thr Thr Leu Asn Leu Leu Ser Asn Thr Ile Phe Ser Lys Asp Leu
                               185
Thr Asn Pro Phe Ser Asp Ser Ala Lys Glu Phe Lys Glu Leu Val Trp
                           200
                                               205
Asn Ile Met Val Glu Ala Gly Lys Pro Asn Leu Val Asp Tyr Phe Pro
                       215
                                           220
Phe Leu Glu Lys Ile Asp Pro Gln Gly Ile Lys Arg Arg Met Thr Asn
                   230
                                       235
Asn Phe Thr Lys Phe Leu Gly Leu Ile Ser Gly Leu Ile Asp Asp Arg
                                   250
               245
Leu Lys Glu Arg Asn Leu Arg Asp Asn Ala Asn Ile Asp Val Leu Asp
                               265
Ala Leu Leu Asn Ile Ser Gln Glu Asn Pro Glu Glu Ile Asp Arg Asn
                           280
Gln Ile Glu Gln Leu Cys Leu Asp Leu Phe Ala Ala Gly Thr Asp Thr
                       295
                                           300
Thr Ser Asn Thr Leu Glu Trp Ala Met Ala Glu Leu Leu Gln Asn Pro
                                       315
His Thr Leu Gln Lys Ala Gln Glu Glu Leu Ala Gln Val Ile Gly Lys
               325
                                   330
                                                       335
Gly Lys Gln Val Glu Glu Ala Asp Val Gly Arg Leu Pro Tyr Leu Arg
                               345
Cys Ile Val Lys Glu Thr Leu Arg Ile His Pro Ala Ala Pro Leu Leu
                           360
Ile Pro Arg Lys Val Glu Glu Asp Val Glu Leu Ser Thr Tyr Ile Ile
                       375
                                           380
Pro Lys Asp Ser Gln Val Leu Val Asn Val Trp Ala Ile Gly Arg Asn
                   390
                                       395
Ser Asp Leu Trp Glu Asn Pro Leu Val Phe Lys Pro Glu Arg Phe Trp
               405
                                   410
Glu Ser Glu Ile Asp Ile Arg Gly Arg Asp Phe Glu Leu Ile Pro Phe
           420
                               425
                                                   430
Gly Ala Gly Arg Arg Ile Cys Pro Gly Leu Pro Leu Ala Met Arg Met
       435
                           440
Ile Pro Val Ala Leu Gly Ser Leu Leu Asn Ser Phe Asn Trp Lys Leu
                       455
                                           460
Tyr Gly Gly Ile Ala Pro Lys Asp Leu Asp Met Gln Glu Lys Phe Gly
                   470
                                       475
Ile Thr Leu Ala Lys Ala Gln Pro Leu Leu Ala Ile Pro Thr Pro Leu
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                      490---
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<sup>&</sup>lt;210><u>42</u>

<sup>&</sup>lt;211> 513

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Gly Arg Asp Arg Pro Val Asn Glu Ser Asp Ile Ala Gln Leu Pro Tyr 340 345 Leu Gln Ala Val Ile Lys Glu Asn Phe Arg Leu His Pro Pro Thr Pro 360 Leu Ser Leu Pro His Ile Ala Ser Glu Ser Cys Glu Ile Asn Gly Tyr His Ile Pro Lys Gly Ser Thr Leu Leu Thr Asn Ile Trp Ala Ile Ala Arg Asp Pro Asp Gln Trp Ser Asp Pro Leu Ala Phe Lys Pro Glu Arg Phe Leu Pro Gly Gly Glu Lys Ser Gly Val Asp Val Lys Gly Ser Asp 425 Phe Glu Leu Ile Pro Phe Gly Ala Gly Arg Arg Ile Cys Ala Gly Leu Ser Leu Gly Leu Arg Thr Ile Gln Phe Leu Thr Ala Thr Leu Val Gln Gly Phe Asp Trp Glu Leu Ala Gly Gly Val Thr Pro Glu Lys Leu Asn 470 475 Met Glu Glu Ser Tyr Gly Leu Thr Leu Gln Arg Ala Val Pro Leu Val Val His Pro Lys Pro Arg Leu Ala Pro Asn Val Tyr Gly Leu Gly Ser 505 Gly

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Leu
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   can be 0-500 amino acids.
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25
40
85
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t (n 3

125

120

115

Xaa	Xaa 130	Xaa	Xaa	Xaa	Xaa	Xaa 135	Xaa	Xaa	Xaa	Xaa	Xaa 140	Xaa	Xaa	Xaa	Xaa
Xaa 145	Xaa	Xaa	Xaa	Xaa	Xaa 150	Xaa	Xaa	Xaa	Xaa	Xaa 155	Xaa	Xaa	Xaa	Xaa	Xaa 160
Xaa	Xaa	Xaa	Xaa	Xaa 165	Xaa	Xaa	Xaa	Xaa	Xaa 170	Xaa	Xaa	Xaa	Xaa	Xaa 175	Xaa
Xaa	Xaa	Xaa	Xaa 180	Xaa	Xaa	Xaa	Xaa	Xaa 185	Xaa	Xaa	Xaa	Xaa	Xaa 190	Xaa	Xaa
Xaa	Xaa	Xaa 195	Xaa	Xaa	Xaa	Xaa	Xaa 200	Xaa	Xaa	Xaa	Xaa	Xaa 205	Xaa	Xaa	Xaa
Xaa	Xaa 210	Xaa	Xaa	Xaa	Xaa	Xaa 215	Xaa	Xaa	Xaa	Xaa	Xaa 220	Xaa	Xaa	Xaa	Xaa
Xaa 225	Xaa	Xaa	Xaa	Xaa	Xaa 230	Xaa	Xaa	Xaa	Xaa	Xaa 235	Xaa	Xaa	Xaa	Xaa	Xaa 240
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Xaa	Xaa	Xaa	Xaa 260	Xaa	Xaa	Xaa	Xaa	Xaa 265	Xaa	Xaa	Xaa	Xaa	Xaa 270	Xaa	Xaa
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Xaa 	Xaa	Xaa 435 	Xaa 	Xaa 	Xaa 	Xaa	Xaa 440	Xaa 	Xaa 	Xaa 	Xaa 	Xaa 445.	Xaa 	Xaa 	Xaa 
Xaa	Xaa 450	Xaa	Xaa	Xaa	Xaa	Xaa 455	Xaa	Xaa	Xaa	Xaa	Xaa 460	Xaa	Xaa	Xaa	Xaa

 Xaa
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